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OFFICE OF PETITIONS

In re Application of :
Seay et al. : LETTER DISMISSING PETITION
Application No. 10/685,642 :
Filed: 15 October, 2003 :
For: MAGNETIC HOOK SWITCH :

This is a communication in response to the paper styled as a petition, filed on 28 September, 2005, under 37 CFR 1.137(b)¹ to revive the above-identified application.

The petition is dismissed for the reasons stated below.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This application became abandoned on 23 March, 2004, for failure to file a timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed on 22 January, 2004, which set a two (2) month shortened period for reply. Notice of Abandonment was mailed on 17 November, 2004.

The petition, which is signed by inventor Scott Seay, cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application. As this application contains an executed declaration listing Scott Seay and Darrell L. Eddings as joint inventors, the petition must be signed by both inventors or by their representative.

Applicants should file a new petition signed by both joint inventors or their representative. No additional petition fee is due.

A reply to this communication should be submitted within two (2) weeks of receipt of this communication.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision will be mailed to the address listed on the petition. All future correspondence, however, will be mailed solely to the address of record. If a change of correspondence address is desired, applicants should complete the enclosed change of correspondence form and return it to the USPTO.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Scott Seay
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Cumming GA 30041

Encl: Change of Correspondence Address--Application